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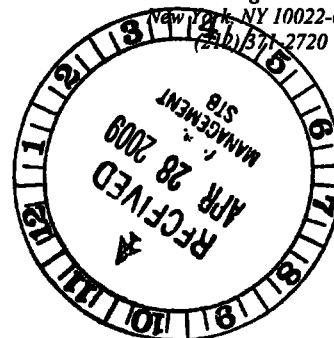
April 20, 2009

Hon. Anne K. Quinlan
Acting Secretary
Surface Transportation Board
395 E Street, S.W.
Washington, D.C. 20423-0001

ENTERED
Office of Proceedings

APR 29 2009

Part of
Public Record



Re: Docket No. 35106: Application of Department of Energy for a Certificate of Public Convenience and Necessity for the Caliente Rail Alignment: Withdrawal of Appearance and Substitution of New Counsel of Record for Lincoln County, Nevada

Dear Ms. Quinlan:

At the request and direction of our client, Lincoln County, Nevada, we hereby withdraw our appearance as counsel of record (and, in the nomenclature adopted by the STB at the outset of this proceeding, as party of record) for Lincoln County in this proceeding.

Accordingly, please remove the following lawyers in this firm from your service list in this matter:

Barry S. Neuman
Carter Ledyard & Milburn LLP
701 8th Street, NW
Suite 410
Washington, DC 20001.

Ethan I. Strell
Carter Ledyard & Milburn LLP
2 Wall Street
New York NY 10005

Effective immediately, counsel of record for Lincoln County will be:

Bret Whipple, Esq.
1100 south 10th Street
Las Vegas, NV 89104
Tele: (702) 257-9500
Fax: (702) 974-4008
email: bret.whipple@nomademamil.com

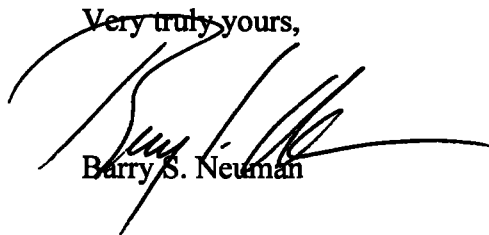
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Therefore, effective immediately, please substitute Mr. Whipple as counsel of record for Lincoln County, add him to the service list and send all communications to Mr. Whipple in place of this firm.

Counsel for the Department of Energy and the State of Nevada have been copied on this communication.

Thank you for your assistance.

Very truly yours,

A handwritten signature in black ink, appearing to read "Barry S. Neuman", is written over the typed name. The signature is stylized with a large, sweeping initial 'B' and a long horizontal stroke at the end.

Barry S. Neuman

cc: Donald J. Silverman, Esq.
Paul H. Lamboley, Esq.
Bret Whipple, Esq.